

State funds from the district in which such violation occurs unless and until any and all such tuition or compensation collected from non-resident students in violation of this Act, shall be refunded to the person or persons paying the same, and declaring an emergency.

Sec. 2. The fact that under the existing laws the right is asserted by certain school districts to collect from non-resident high school students the tuition prohibited by this Act, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days, be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### EIGHTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, Feb. 12, 1930.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

#### Absent—Excused.

Martin.	Small.
Parr.	Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senators Thomason and Patton:

S. B. No. 79, A bill to be entitled "An Act regulating the killing of wild turkeys in the counties composing the Third and Fifth Districts; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodul:

S. B. No. 80, A bill to be entitled "An Act to amend Article 2781, R. S. 1925, relating to term of contract of superintendents, principals, teachers, or other executive officers in independent school districts, repealing all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Hornsby:

S. B. No. 81, A bill to be entitled "An Act to provide a period of time when continuity of failure to render land for taxes or otherwise exercise dominion over it shall prima facie prove title in persons paying taxes or exercising dominion over such land and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Moore:

S. B. No. 82, A bill to be entitled "An Act amending Chapter 25, laws of the Regular Session, Forty-first Legislature, page 59, and providing authority to the State Highway Commission to select and maintain temporary detour roads through counties where construction of designated parts of the State highway system is being carried on, and setting forth the duties of the commission and of the counties therewith; and providing authority to county commissioners' courts to select and maintain temporary detour roads in the county where construction of any public road is being carried on, not part of the State system of designated highways, and setting forth the du-

ties of the commissioners' court therewith; and providing the responsibility for the enforcement of this Act; and providing a remedy of mandamus; and providing for damages to persons or property; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators McFarlane and Miller:

S. B. No. 83, A bill to be entitled "An Act authorizing the commissioners' court to pay bounties on wolf scalps in Jack and Wise counties to preserve game in said counties; enacting the necessary regulations in reference thereto; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators DeBerry, Hornsby, Love and Cunningham:

S. B. No. 84, A bill to be entitled "An Act amending Articles 5738, 5739, 5743, 5746, 5748 and 5763, of the Revised Civil Statutes of 1925, relating to cooperative marketing associations, said articles being a portion of what is commonly known as the Cooperative Marketing Act of Texas; declaring that if any section, article or provision of said Cooperative Marketing Act or this Act shall be declared to be unconstitutional or invalid for any reason the remainder of the same shall, nevertheless, be in force and effect; and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senators Miller and Beck:

S. B. No. 85, A bill to be entitled "An Act to amend Section 12 of the Act of the Twenty-eighth Legislature, creating a road system for Palo Pinto and Bosque Counties, being Chapter 22, Special Laws, 1930, as amended by Chapter 19, Special Laws, 1913, which Section 12 was added by Chapter 12, Special Laws of the Forty-first Legislature at its Second Called Session; authorizing the commissioners' court of Palo Pinto County, Texas, to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes in Palo Pinto County and to levy a tax in payment thereof, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Hardin, Moore and Patton:

S. B. No. 86, A bill to be entitled "An Act providing an open season or a period of time when it shall be lawful to hunt, take or kill wild mourning doves in the North and South zones, as such zones are defined in Article 878 of the Revised Penal Code, as amended by Chapter 222, page 326, Acts of the Fortieth Legislature, Regular Session, and repealing any provision of the law in conflict with this Act; making it unlawful to hunt, take or kill wild mourning doves at any other time of the year; providing a penalty and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

#### H. C. R. No. 13.

The Chair laid before the Senate the following resolution:

H. C. R. No. 13, providing for Legislative Committee to determine validating of titles to State owned lands.

Read and adopted.

#### H. C. R. No. 15.

The Chair laid before the Senate the following resolution:

H. C. R. No. 15, urging appointment of members of Parole Board.

Read and lost by the following vote:

Yeas—7.

Cousins.	Patton.
DeBerry.	Russek.
Hyer.	Westbrook.
McFarlane.	

Nays—18.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Thomason.
Greer.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
Moore.	Woodward.

Absent.

Hardin.	Miller.
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**Absent—Excused.**

**Martin.**  
**Parr.**

**Small.**  
**Stevenson.**

**Messages From the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.  
Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution: S. C. R. No. 11, requesting the return of S. B. No. 33 to the Senate for further consideration.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. B. No. 7, A bill to be entitled "An Act to repeal Chapter 95, Acts of the First Called Session of the Forty-first Legislature, 1929, and declaring an emergency."

H. C. R. No. 17, relative to reducing cotton acreage, etc.

H. C. R. No. 19, requesting the State Auditor to begin a survey and audit of the penitentiary system and to report his findings with any beneficial recommendations to the Governor and to the Legislature

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 12, A bill to be entitled "An Act amending Article 3936 of the Revised Civil Statutes of 1925 so as to fix certain fees of constables; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Senate Bill No. 21.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Parrish:

S. B. No. 21, A bill to be entitled "An Act requiring certain independent school districts to contribute to the expense of the county superintendent's office; and declaring an emergency."

Read second time.

Senator Parrish sent up the following amendments:

Amend S. B. No. 21 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That a new article, to be numbered Article 2767a, be added to Chapter 13, Title 49, Revised Civil Statutes, 1925, to read as follows:

Article 2767a. All school districts having fewer than 500 scholastics, heretofore created by special Act of the Legislature, are hereby placed under the general laws relating to incorporated school districts, and all provisions of any and all such special Acts in conflict with the general laws are hereby specifically repealed except in so far as those Acts relate to rates of taxation and to the boundaries established by the Acts incorporating such districts.

Sec. 2. The importance of this legislation and the near approach of the close of the session creates an emergency and an imperative public necessity which demands that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

PARRISH.

Read and adopted.

Amend S. B. No. 21 by striking out all above the enacting clause and inserting in lieu thereof the following:

S. B. No. 21, A bill to be entitled "An Act to add a new article to Chapter 13, Title 49, Revised Civil Statutes, 1925, to be numbered 2767a, repealing all special laws governing legislative independent school districts having fewer than 500 scholastics, except the rate of taxation and boundaries set forth in such

special laws, placing all such districts under the general laws governing incorporated school districts, and declaring an emergency."

PARRISH.

Read and adopted.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 21 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

Absent.

Martin. Miller.

Absent—Excused.

Greer.	Small.
Hardin.	Stevenson.
Parr.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

Absent.

Hardin. Miller.

Absent—Excused.

Greer.	Small.
Martin.	Stevenson.
Parr.	

Senate Bill No. 25.

The Chair laid before the Senate on second reading the following bill:

By Senator Parrish:

S. B. No. 25, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of 1925 as amended so as to fix and regulate the compensation of county auditors; and declaring an emergency."

Read second time.

Senator Woodul sent up the following amendment:

Amend S. B. No. 25 by striking out the following: "\$6,000.00 in counties of 100,000 population and over" beginning line 24, and inserting in lieu thereof the following:

"\$5,000.00 in counties having a population of 100,000 and over but less than 200,000, and shall not exceed \$6,000.00 in counties of 200,000 population or over."

WOODUL.

Read and adopted.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 25 by striking out the last sentence in Section One, being all after the word "annually", line 28, page 1.

McFARLANE.

Read and adopted.

Senator McFarlane sent up the following amendment:

Amendment to S. B. No. 25: By striking out figures \$150.00, line 20, page 1, and insert in lieu thereof the figures \$125.00.

McFARLANE.

Read and lost.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 25 by striking out the figures "\$2,400.00", in line 28, page 1, of the bill and substituting therefor the figures "\$1,500.00".

HOLBROOK.

The amendment was read.

Senator DeBerry sent up the following substitute for the amendment:

Amend S. B. No. 25 by striking out in lines 27 and 28 the following: Provided that the salary in any county shall not be less than \$2,400.00 annually.

DeBERRY.

The substitute was read.

Senator Holbrook withdrew his amendment.

Senator DeBerry offered his substitute as an original amendment.

Senator Parrish moved to table the amendment. The motion was lost by the following vote:

**Yeas—11.**

Beck.	Thomason.
Gainer.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Moore.	Woodul.
Russek.	

**Nays—12.**

Berkeley.	Holbrook.
Cousins.	Love.
Cunningham.	McFarlane.
DeBerry.	Parrish.
Greer.	Patton.
Hardin.	Woodward.

**Present—Not voting.**

Neal.

**Absent—Excused.**

Martin.	Small.
Miller.	Stevenson.
Parr.	Wirtz.
Pollard.	

**Senate Bill No. 33.**

The Chair laid before the Senate the following bill:

By Senator Wirtz:

S. B. No. 33, A bill to be entitled "An Act amending subdivision 22 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, providing for changing and prescribing terms and times of holding courts in the Twenty-second Judicial District, etc., and declaring an emergency."

On motion of Senator Wirtz, the vote by which the bill finally passed was reconsidered.

On motion of Senator Wirtz, the bill was laid on the table subject to call.

**House Bill Referred.**

H. B. No. 7 referred to Committee on State Affairs.

**H. C. R. No. 17.**

The Chair laid before the Senate the following resolution:

H. C. R. No. 17, Relating to reduction of cotton acreage.

Read and, on motion of Senator DeBerry, referred to Committee on Agricultural Affairs.

**H. C. R. No. 19.**

The Chair laid before the Senate the following resolution:

H. C. R. No. 19, Making an auditing investigation of the Prison System.

The resolution was read.

Senator McFarlane moved to refer the resolution to the Committee on Penitentiaries.

Senator Witt moved as a substitute that the resolution be adopted.

**Recess.**

On motion of Senator Pollard, the Senate, at 12:03 o'clock, recessed until 2 o'clock.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

**H. C. R. No. 19.**

The question recurred upon H. C. R. No. 19.

Senator McFarlane withdrew his motion to refer and sent up the following amendment:

Amend H. C. R. No. 19 by adding to the end of said resolution the following:

Provided, however, that said Auditor shall proceed to audit said prison system after he has completed the audit on the different departments on which he is now working or directed to work.

McFARLANE.

Read and adopted.

The resolution as amended was lost by the following vote:

**Yeas—7.**

Beck.	McFarlane.
Gainer.	Williamson.
Greer.	Witt.
Hyer.	

**Nays—15.**

Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Thomason.
Holbrook.	Wirtz.
Hornsby.	Woodul.
Love.	Woodward.
Moore.	

**Absent.**

Hardin.	Pollard.
Miller.	Westbrook.

## Absent—Excused.

Martin.	Small.
Parr.	Stevenson.
Russek.	

## Senate Bill No. 25.

The question recurred upon the amendment to S. B. No. 25.

Senator DeBerry withdrew his pending amendment and sent up the following amendment:

Amend S. B. No. 25 by adding after the word "annually" in line 28 of the printed bill the following:

"Provided further, that the minimum salary herein provided for shall have no application as applied to Auditors appointed under the provisions of Article 1646 and Article 1646a of the Revised Civil Statutes of Texas for 1925."

DeBERRY.

Read and adopted.

Senator Love sent up the following amendment:

Amend S. B. No. 25 as amended by striking out the figures "\$6,000.00", and inserting in lieu thereof the figures "\$5,000.00" as salary of auditors in counties of 210,000 or more, according to the last Federal census.

LOVE.

Read and lost.

The committee report was adopted.

The bill passed to engrossment by the following vote:

## Yeas—15.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Moore.	

## Nays—0.

Cunningham.	Miller.
DeBerry.	Pollard.
Greer.	Thomason.
Love.	Woodward.
McFarlane.	

## Absent.

Hardin.	Westbrook.
Russek.	

## Absent—Excused.

Martin.	Small.
Parr.	Stevenson.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 25 was put on its third reading and final passage, by the following vote:

## Yeas—20.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Thomason.
Greer.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Moore.	Woodward.

## Nays—4.

DeBerry.	McFarlane.
Love.	Miller.

## Absent.

Hardin.	Westbrook.
Russek.	

## Absent—Excused.

Martin.	Small.
Parr.	Stevenson.

Read third time and finally passed by the following vote:

## Yeas—17.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Thomason.
Gainer.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Moore.	Woodward.
Neal.	

## Nays—6.

Cunningham.	McFarlane.
DeBerry.	Miller.
Greer.	Pollard.

## Present—Not Voting.

Love.

## Absent.

Hardin.	Westbrook.
Russek.	

## Absent—Excused.

Martin.	Small.
Parr.	Stevenson.

**Senate Bill No. 31.**

Senator Pollard called up from the table the following bill:

By Senator Pollard:

S. B. No. 31, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, etc., and declaring an emergency."

The question recurred upon the amendment by Senators Moore and Beck.

Senator Witt moved to indefinitely postpone the further consideration of this bill.

Senator Williamson moved as a substitute that the bill be laid on the table until the Governor submitted the subject.

Senator McFarlane raised the point of order that the motion must include a time certain.

The Chair held that the motion was in order.

Senator Pollard moved to table the motion to lay the bill on the table. The motion to table prevailed by the following vote:

Yeas—10.

Berkeley.	McFarlane.
DeBerry.	Moore.
Hornsby.	Patton.
Hyer.	Pollard.
Love.	Wirtz.

Nays—7.

Gainer.	Williamson.
Greer.	Witt.
Holbrook.	Woodward.
Parrish.	

Absent.

Cousins.	Westbrook.
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Absent—Excused.

Small.	Stevenson.
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(Pairs Recorded.)

Senator Beck (present) who would vote nay, with Senator Miller (absent) who would vote yea.

Senator Cunningham (present) who would vote nay, with Senator Martin (absent) who would vote yea.

Senator Neal (present) who would vote nay, with Senator Hardin (absent) who would vote yea.

Senator Thomason (present) who would vote yea, with Senator Russek (absent) who would vote nay.

Senator Woodul (present) who would vote nay, with Senator Parr (absent) who would vote yea.

The amendment was adopted.

The second pending amendment (by Senator Miller) was read and adopted.

The third pending amendment by Senator Patton was read and adopted.

The bill as amended passed to engrossment by the following vote:

Yeas—13.

Berkeley.	Parrish.
Hardin.	Patton.
Hornsby.	Pollard.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	

Nays—5.

Cousins.	Holbrook.
Gainer.	Neal.
Greer.	

Absent.

Woodward.

Absent—Excused.

Small.	Stevenson.
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(Pairs Recorded.)

Senator Beck (present) who would vote nay, with Senator Miller (absent) who would vote yea.

Senator Cunningham (present) who would vote nay, with Senator Martin (absent) who would vote yea.

Senator DeBerry (present) who would vote nay, with Senator Westbrook (absent) who would vote yea.

Senator Thomason (present) who would vote nay, with Senator Russek (absent) who would vote yea.

Senator Woodul (present) who would vote nay, with Senator Parr (absent) who would vote yea.

The motion of Senator Pollard to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—14.

Berkeley.	Hyer.
Cousins.	Love.
Hardin.	McFarlane.
Hornsby.	Moore.

Parrish.  
Patton.  
Pollard.

Thomason.  
Williamson.  
Wirtz.

Nays—7.

Beck.  
DeBerry.  
Gainer.  
Greer.

Holbrook.  
Neal.  
Witt.

Absent.

Cunningham. Woodward.

Absent—Excused.

Martin. Stevenson.  
Small.

(Pairs Recorded.)

Senator Woodul (present) who would vote nay, with Senators Parr, Russek, Miller, Westbrook, who would all vote yea.

(Four-fifths vote required.)

#### Reason for Vote.

On S. B. No. 31 I vote no because it has been amended so as to depart far from its original purpose of taking care of summer schools. When revenue is provided I will be glad to vote for an adequate appropriation for summer schools.

DeBERRY.

#### Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Feb. 12, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 2, and requests the Senate for the appointment of a free conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Graves of Williamson, Shaver, King, Murphy, Wallace.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 12, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 4, A bill to be entitled "An Act providing that in all counties where the county attorney performs the duties of the county Attorney and district attorney, the county attorney may appoint one or more assistants who need not possess the qualifications provided for county attorneys; providing for the manner of appointments and payment of said assistants, and providing that said assistants may be appointed according to population and declaring an emergency."

With amendments.

S. B. No. 51, A bill to be entitled "An Act to create Maverick County Water Control and Improvement District Number 1, embracing lands in the county of Maverick in the State of Texas, as a conservation and reclamation district and body politic and corporate, under Section 59, Article 16; of the Constitution and defining its boundaries; validating and approving all orders made by the board of directors and other authorities, in respect to the establishment or organization of said district as well as proceedings had in respect of the election and/or appointment of officers therefor; validating and approving all orders made and contracts executed by the board of directors of said district in respect to any matter or subject pertinent to the creation, establishment, organization, maintenance and/or operation of said district; validating the authorization and voting of certain bonds thereof and taxes authorized for their payment and providing for the issuance of said bonds and for their payment by the annual levy, assessment and collection of taxes upon all taxable property in said district; validating and approving notices, reports, orders, resolution, extensions and decrees of the board of directors and other proper officials, and official boards and/or courts in respect of said district, the bonds and/or taxes thereof, or certified copies thereof and constituting such orders, reports, notices, resolution and decrees as legal evidence; enacting other provisions in-



cident and necessary to the subject and purpose of this Act; and declaring an emergency."

S. B. No. 53, A bill to be entitled "An Act authorizing the commissioners' court of Knox County, Texas, to fund into bonds of said county, certain road and bridge warrants outstanding on January 1, 1930, providing the authority to issue said bonds shall not exceed the current revenues of the road and bridge fund in said county, and declaring an emergency."

With amendments.

S. B. No. 9, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than 11,000 nor more than 11,015, according to the 1920 census, and having a property valuation of not less than \$8,252,800, and not more than \$8,252,900, as shown by the approved tax rolls for the year of 1929, and prescribing how same shall be paid; and declaring an emergency."

S. B. No. 55, A bill to be entitled "An Act to validate the extension of the corporate limits of cities having a population of not less than 11,000 and not more than 11,500 according to the 1920 United States census, and located in counties situated on a boundary of the State of Texas, either wherein said extension of territory was attempted under statutes providing for the consolidation of cities of more than 5,000 population, and wherein the act of extending said corporate limits said city has included all of the territory of an adjoining city of less than 5,000 and/or wherein said extension of territory was attempted under charter provisions which provide for the annexation of adjoining territory without specific reference to the fact that the adjoining territory is included in an incorporated city, and to validate all proceedings, actions, resolutions, elections, and ordinances taken or made in reference thereto or pursuant thereto, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Message From the Governor.

The Chair recognized the Door-keeper who introduced a messenger

from the Governor with the following message:

Executive Office,  
February 12, 1930.

To the Members of the Forty-first Legislature:

While I feel that there is little possibility of the Legislature having time during the present session to dispose of the attached bills, nevertheless I am yielding to the urgent request of interested members to submit them, and I am submitting the same herewith for your consideration.

Respectfully yours,

DAN MOODY.

#### H. C. R. No. 17.

The Chair laid before the Senate H. C. R. No. 17, relating to cotton acreage reduction.

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report, carrying an amendment, was adopted.

The resolution as amended was adopted.

#### Senate Bill No. 43.

The Chair laid before the Senate on its second reading the following bill:

By Senator Berkeley:

S. B. No. 43, A bill to be entitled "An Act amending Articles 6954 and 6955 Revised Statutes of Texas, 1925, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 43 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Hyer.
Berkeley.	Love.
Cousins.	McFarlane.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Thomason.
Hornsby.	Williamson.

Wirtz. Woodul.  
Witt. Woodward.

Absent.

Miller. Westbrook.  
Russek.

Absent—Excused.

Martin. Small.  
Parr. Stevenson.

Read third time and finally passed  
by the following vote:

Yeas—24.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.

Absent.

Miller. Westbrook.  
Russek.

Absent—Excused.

Martin. Small.  
Parr. Stevenson.

#### Free Conference Granted.

The Senate voted to grant the request of the House for a Free Conference Committee on H. B. No. 2.

The Chair announced the appointment of the following on the part of the Senate:

Senators Witt, DeBerry, Williamson, Cunningham and Beck.

Senator Williamson resigned from the committee.

The Chair appointed Senator Hyer.

#### Senate Bill No. 64.

The Chair laid before the Senate on its second reading the following bill:

By Senator Beck:

S. B. No. 64, A bill to be entitled "An Act repealing Chapter 88, page 219, of the Acts of the First Called Session of the Forty-first Legislature prohibiting the sale of fresh

water fish during the months of March and April in Cass, Bowie, Morris, and Titus Counties, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 64 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.

Absent.

Miller. Absent—Excused.

Martin. Small.  
Parr. Stevenson.  
Russek. Westbrook.

Read third time and finally passed  
by the following vote:

Yeas—24.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.

Absent.

Martin. Small.  
Miller. Stevenson.  
Parr. Westbrook.  
Russek.

#### Bills Signed.

The Chair, Lieutenant Gov. Barry Miller, gave notice of signing, and did sign, in the presence of the Sen-

ate, after captions had been read, the following bills:

S. B. No. 12. H. C. R. No. 13.

**Senate Bill No. 29.**

The Chair laid before the Senate on its second reading the following bill:

By Senators Parrish and Small:

S. B. No. 29, A bill to be entitled "An Act providing for the sale of all oil and/or gas in State prison lands by lease: creating a Board for Lease of State Prison Lands and prescribing the duties and powers of said board: prescribing the mode and manner of selling oil and gas in State prison lands and the disposition to be made of the proceeds of such sales: making an appropriation to defray the expense of enforcing the Act; repealing all laws in conflict; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 29 was put on its third reading and final passage by the following vote:

**Yeas—24.**

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.

**Absent.**

Miller.	Westbrook.
Russek.	

**Absent—Excused.**

Martin.	Small.
Parr.	Stevenson.

Read third time and finally passed by the following vote:

**Yeas—24.**

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

**Absent.**

Miller.	Westbrook.
Russek.	

**Absent—Excused.**

Martin.	Small.
Parr.	Stevenson.

**Senate Bill No. 79.**

The Chair laid before the Senate the following bill:

By Senators Thomason and Patton:

S. B. No. 79, A bill to be entitled "An Act regulating the killing of wild turkeys in the counties composing the Third and Fifth Senatorial Districts; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 79 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

**Absent.**

Miller.	Russek.
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**Absent—Excused.**

Martin.	Small.
Parr.	Stevenson.

Read second time.

Senator Thomason sent up the following amendments:

Amend caption of S. B. No. 79 by striking out the words "and the" in the third line and inserting in lieu thereof a comma and adding the words "and the fourteenth" between the words "fifth" and "Senatorial" on line 4.

Read and adopted.

Amend S. B. No. 79 by striking out the word "and" between the words "third" and "fifth" in line 2, Section 1, and inserting a comma in lieu thereof and adding the words "and fourteenth" after the word "fifth" in line 2, Section 1.

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 79 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Miller. Russek.

Absent—Excused.

Martin. Small.  
Parr. Stevenson.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Moore.

Neal.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent.

Miller. Russek.

Absent—Excused.

Martin. Small.  
Parr. Stevenson.

#### Senate Bill No. 13.

The Chair laid before the Senate on its second reading the following bill:

By Senator Westbrook:

S. B. No. 13, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the latest approved tax rolls of the county; and declaring an emergency."

Read second time.

Senator Westbrook sent up the following amendment:

Amend S. B. No. 13 on page 76 of the Senate Journal of February 4th, by striking out all after the word "Comptroller" down to and including the word "rolls" in Section 1 of said bill.

Also amend said S. B. No. 13 on page 76 of Senate Journal of February 4th, by adding after the word "dollars" in Section 1, the following: "Provided, that said annual compensation shall be paid out of the road and bridge fund of the counties affected, or out of the general county fund, as the commissioners' court may elect and said compensation to be paid in equal monthly installments."

WESTBROOK.

The amendment was read.

On motion of Senator Westbrook the bill was laid on the table subject to call.

#### Senate Bill No. 70

The Chair laid before the Senate on its second reading the following bill:

By Senator Cousins:

S. B. No. 70, A bill to be entitled "An Act ratifying and validating Liberty County Drainage District

No. 2, Liberty County, Texas; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 70 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Miller. Russek.

Absent—Excused.

Martin.	Small.
Parr.	Stevenson.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Miller. Russek.

Absent—Excused.

Martin.	Small.
Parr.	Stevenson.

# Senate Bill No. 71.

The Chair laid before the Senate on its second reading the following bill:

By Senator Cousins:

S. B. No. 71, A bill to be entitled "An Act ratifying and validating Old River Drainage District of Liberty County, Texas No. 1, in Liberty County, Texas; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Cousins the constitutional rule requiring bill to be read on three several days was suspended and S. B. No. 71 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Miller. Russek.

Absent—Excused.

Martin.	Small.
Parr.	Stevenson.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.  
Miller. Russek.  
Absent—Excused.  
Martin. Small.  
Parr. Stevenson.

**Senate Bill No. 72.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Cousins:

S. B. No. 72, A bill to be entitled "An Act ratifying and validating Liberty County Improvement District No. 1, in Liberty County, Texas; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Cousins the constitutional rule requiring bill to be read on three several days was suspended and S. B. No. 72 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Miller. Russek.

Absent—Excused.

Martin. Small.  
Parr. Stevenson.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.

McFarlane.	Westbrook.
Neal.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Thomason.	Woodward.

Absent.

Miller. Russek.

Absent—Excused.

Martin. Small.  
Parr. Stevenson.

**Senate Bill No. 46.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Love:

S. B. No. 46, A bill to be entitled "An Act amending Art. 2791, Title 49, Revised Civil Statutes of Texas, 1925, providing for tax assessors and collectors independent school districts, fixing their powers and bond, prescribing the duties thereof, and fixing the fees of said assessors and collectors, so that the bond required of such tax assessors and collectors of independent school districts shall be in a sum equivalent to forty per cent of the whole amount of the school district taxes for the district as shown by the last preceding assessment, provided said bond shall in no event exceed fifty thousand dollars, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Love the constitutional rule requiring bill to be read on three several days was suspended and S. B. No. 46 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Miller.

Russek.

Absent—Excused.

Martin.

Small.

Parr.

Stevenson.

Read third time and finally passed  
by the following vote:

Yeas—25.

Beck.

Moore.

Berkeley.

Neal.

Cousins.

Parrish.

Cunningham.

Patton.

DeBerry.

Pollard.

Gainer.

Thomason.

Greer.

Westbrook.

Hardin.

Williamson.

Holbrook.

Wirtz.

Hornsby.

Witt.

Hyer.

Woodul.

Love.

Woodward.

McFarlane.

Absent.

Miller.

Russek.

Absent—Excused.

Martin.

Small.

Parr.

Stevenson.

## Senate Bill No. 30.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senator Parrish:

S. B. No. 30, A bill to be entitled  
"An Act amending Section 8 of Ar-  
ticle 6203 of the Revised Civil Stat-  
utes of Texas for 1925, as amended  
so as to provide for and regulate  
applications for parole; also amend-  
ing Section 6 of said article as  
amended so as to make a convict  
eligible for parole even though he  
may have been previously convicted  
of a felony or felonies, and permit-  
ting that a person sentenced for a  
term not longer than one year, shall  
not come under this law, and de-  
claring an emergency."

Read second time.

Senator Parrish sent up the fol-  
lowing amendments:

Amend S. B. No. 30 by adding  
Section 1a to read as follows:

"Section 1a. Section 3 of Chap-  
ter 45, Acts of the Forty-first Legis-  
lature, First Called Session, is here-  
by repealed."

And amend the caption to con-  
form.

PARRISH.

The amendment was read.

Amend S. B. No. 30, page 2, lines  
24 and 25 of the printed bill, by in-  
serting a period after the second  
word in line 24 and striking out  
everything thereafter in said Sec-  
tion.

PARRISH.

The amendment was read.

Senator DeBerry moved to lay the  
bill on the table subject to call. The  
motion prevailed.

## Senate Bill No. 44.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senator Love:

S. B. No. 44, A bill to be entitled  
"An Act to exempt from taxation the  
buildings and other property owned  
or used by the Young Men's Chris-  
tian Association and the Young Wo-  
men's Christian Association, where  
such property is used exclusively for  
furthering the interests of religious  
work, and not for profit; and where  
such associations are operated with  
the approval and cooperation of the  
State and International Young  
Men's Christian Association Commit-  
tees and the Young Women's Chris-  
tian Association Committees; and in  
accord with the provisions and pur-  
poses of the association furthering  
religious work and declaring an  
emergency."

The bill was read second time and  
passed to engrossment.

On motion of Senator Love the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 44 was put  
on its third reading and final pas-  
sage, by the following vote:

Yeas—19.

Beck.

Neal.

Berkeley.

Patton.

Cunningham.

Pollard.

DeBerry.

Thomason.

Hardin.

Williamson.

Holbrook.

Wirtz.

Hornsby.

Witt.

Hyer.

Woodul.

Love.

Woodward.

McFarlane.

Noes—2.

Moore.

Parrish.

**Absent.**

Cousins.	Miller.
Gainer.	Russek.
Greer.	Westbrook.

**Absent—Excused.**

Martin.	Small.
Parr.	Stevenson.

Read third time and finally passed by the following vote:

**Yeas—18.**

Beck.	McFarlane.
Berkeley.	Neal.
Cousins.	Pollard.
DeBerry.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.

**Noes—3.**

Cunningham.	Parrish.
Moore.	

**Absent.**

Gainer.	Patton.
Greer.	Russek.
Miller.	Westbrook.

**Absent—Excused.**

Martin.	Small.
Parr.	Stevenson.

**Motion to Concur.**

On motion of Senator McFarlane the Senate concurred in the House amendments to S. B. No. 53 by the following vote:

**Yeas—25.**

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

**Absent.**

Miller.	Russek.
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**Absent—Excused.**

Martin.	Small.
Parr.	Stevenson.

**Adjournment.**

On motion of Senator Cunningham the Senate, at 4:55 o'clock, adjourned until Thursday morning at 10 o'clock.

**APPENDIX.****Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, Feb. 12, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 51 carefully examined and compared, and find the same correctly enrolled, and have this day at 4:30 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 9 carefully examined and compared, and find the same correctly enrolled, and have this day at 4:30 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 55 carefully examined and compared, and find the same correctly enrolled, and have this day at 4:30 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 12, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 12 carefully examined and compared, and find the same correctly enrolled, and have this day at 3 o'clock



p. m., presented the same to the Governor for his approval.

WITT, Chairman.

#### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 10, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 24 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 21 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 79, A bill to be entitled "An Act regulating the killing of wild turkeys in the counties composing the Third and Fifth Senatorial Districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. C. R. No. 17, A resolution requesting the farmers of Texas to reduce their acreage planted to cotton.

Have had the same under consideration, and I am instructed to report it back to the Senate, with committee amendments, and with

the recommendation that it do pass as amended, and be not printed.

CUNNINGHAM, Chairman.

#### Committee Amendment.

Amend H. C. R. No. 17 by striking out the words in lines 10 and 11, "has done more to bankrupt the American cotton farmer than any one thing," and by inserting in lieu thereof the following: "has been partially responsible for the present bankruptcy of the American cotton farmer."

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 67, A bill to be entitled "An Act amending Chapter 54 of the General Acts of the First Called Session of the Fortieth Legislature, also known as Section 3, contained in Chapter 54, of the First Called Session of the Fortieth Legislature, so as to fix the compensation and working days of the grand jury bailiffs of the Thirty-seventh and Ninety-fourth Criminal District Courts of Bexar County, Texas, and any other criminal district courts that hereafter may be created in said county of Bexar, for both walking and riding grand jury bailiffs, said working days to be not less than six days per week, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill, it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 86, A bill to be entitled "An Act providing an open season or a period of time when it shall be lawful to hunt, take or kill wild mourning doves in the North and South Zones, as such zones are defined in Article 878 of the Revised Penal Code, as amended by Chapter 222, page 326, Acts of the Fortieth Legislature, Regular Session, and re-

pealing any provision of the law in conflict with this Act; making it unlawful to hunt, take or kill wild mourning doves at any other time of the year; providing a penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 7, A bill to be entitled "An Act to repeal Chapter 95, Acts of the First Called Session of the Forty-first Legislature, 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass but that it be not printed, Senate Bill on the same subject having been reported favorably and printed.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 83, A bill to be entitled "An Act authorizing the commissioners' court to pay bounties on wolf scalps in Jack and Wise Counties to preserve game in said counties; enacting the necessary regulations in reference thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, Feb. 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 73, A bill to be entitled "An Act to provide for the maintenance of county administration of

public free schools to be prorated to all of the schools of the county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

By Neal, Thomason. S. B. No. 73.

#### A BILL

#### To Be Entitled

An Act to provide for the maintenance of county administration of the public free schools to be prorated to all of the schools of the county and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after August 31st, 1930, the salary and office expenses of the county superintendent of public instruction and such assistants as he may have shall be paid out of the school funds of the common and independent school districts of the county.

Sec. 2. That the county board of trustees shall annually on or before the first (1st.) day of August hereafter order a scholastic per capita assessment against each school district within the county in sufficient amount to provide for the payment of the salary and office expenses of the county superintendent and any office assistants he may have, as is now provided by law, or may hereafter be provided. And the said assessment when legally made and certified to the school districts of the county shall be paid by them for the purpose herein specified.

Sec. 3. The State superintendent is hereby authorized and instructed to issue and transmit to county and district school officials all instructions necessary for the proper observance and administration of this Act.

Sec. 4. All general laws in conflict herewith are hereby repealed, except such laws as provide for a part of the office expense to be paid from the general revenue of the county.

Sec. 5. The importance of this legislation creates an emergency and an imperative public necessity that the constitutional rule requiring bills

to be read on three several days be suspended; and the same is hereby suspended, and that this Act be enforced and take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 12, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 34, A bill to be entitled "An Act further regulating elections and primary elections; providing for a system of voting therein by the use of voting machines; making the adoption of such system optional in certain counties and mandatory in others; exacting all provisions necessary and incidental to the subject of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

HOLBROOK, Chairman.

By Love, Williamson. S. B. No. 34.

#### A BILL

##### To Be Entitled

An Act further regulating elections and primary elections; providing for a system of voting therein by the use of voting machines; making the adoption of such system optional in certain counties and mandatory in others; enacting all provisions necessary and incidental to the subject of the Act; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Providing for Examination and Approval of Voting Machines by the Secretary of State.—Any person, firm or corporation owning or controlling any voting machine and desiring to have the same adopted for use in the State of Texas, may apply to the Secretary of State to have such machine examined. Before the examination the applicant shall pay to the Secretary of State the sum of four hundred fifty (\$450.00) dollars. The Secretary of State shall cause said machine to be examined as hereinafter provided

and shall make and file and keep on file in the office of the Secretary of State a report of such examination which shall show whether the kind of machine so examined can safely be used by the voters at an election or primary election, under the conditions hereinafter provided. If the report states that the machine can be so used, it shall be deemed approved, and machines of its kind may be adopted for use at elections and primary elections as herein provided. Before making and filing such report, the Secretary of State shall require such voting machine to be examined by three examiners to be appointed by the Secretary of State for such purpose, one of whom shall be an expert in patent law, and the other two mechanical experts, and shall require of them a written report on such machine, and which reports shall be attached to the Secretary of State's report and be kept on file. Each examiner shall receive the sum of one hundred and fifty (\$150.00) dollars as his compensation and expenses in making an examination and report as to each voting machine examined by him. Neither the Secretary of State nor any examiner shall have an pecuniary interest in any voting machine. When the machine has been approved, any improvement or change that does not impair its accuracy, efficiency or capacity, shall not make necessary a re-examination or re-approval thereof. Any form of voting machine not approved as herein set out, or which has not been examined by voting machine examiners and reported pursuant to law and its use specifically authorized by law, cannot be used at an election or primary election in the State of Texas.

Sec. 2. Setting Out Requirements of Voting Machines.—A voting machine approved by the Secretary of State must be so constructed as to provide facilities for voting for such candidates as may be legally placed on a ballot in the State of Texas. It must also permit a voter in a general election to vote for any person for any office, whether or not nominated as a candidate by any party but whose name is legally on the ballot as an independent candidate, and must permit voting in absolute secrecy. It also must be so constructed

that a voter cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote. It also must be so constructed as to prevent voting for more than one person for the same office and at the same time preventing his voting for the same person twice. It must be provided with a lock or locks, by the use of which immediately after the polls are closed or the operation of such machine for such election or primary is completed, any movement of the voting or registering mechanism is absolutely prevented. Such machine shall be equipped with one or more protective counters.

Sec. 3. Adopting of Voting Machine.—The commissioners' court of any county in the State of Texas having a population of 200,000 or more according to the latest federal census shall adopt for use in elections and primary elections any kind of voting machine approved by the Secretary of State; and the commissioners' court of any other county may, in its discretion, adopt at any time such voting machines for said purpose; and thereupon such voting machine shall be used at any and all elections and primary elections, municipal, county, district or State held in that county, or any part thereof designated for voting, registering and counting votes cast at such elections and primary elections. All school and bond elections also shall be conducted by the use of voting machines in those counties or parts thereof where such machines have been adopted or where the law specifically makes their use obligatory.

Sec. 4. Experimental Use of Voting Machine.—The commissioners' court of any county in the State of Texas, where not otherwise herein provided, may secure, for experimental use, at an election or primary election, in one or more precincts, without a formal adoption thereof; and its use at such election or primary shall be valid for all purposes as if it had been formally adopted.

Sec. 5. Providing Voting Machines, Generally.—The county commissioners of a county which has adopted voting machines for that county or any portion thereof, shall as soon as practicable, and in no

case later than six months after adoption thereof, provide for each voting precinct designated one or more approved voting machines in complete working order, and shall thereafter preserve and keep them in repair.

Sec. 6. Payment for Voting Machines.—The county commissioners' court shall provide for the payment of voting machines to be used in such county in such manner as the court may deem for the best interest of the county, but in no case shall ever be called upon to pay more than eleven hundred (\$1100.00) dollars per machine. And for the purpose of paying for voting machines, such commissioners' court is hereby authorized to issue bonds, certificates of indebtedness or other obligations, to be used for this purpose and no other, which shall be a charge against the county. Such bonds, certificates of indebtedness or other obligation may be issued with or without interest, payable at such time or times as the commissioners may determine, but shall never be issued nor sold for less than par. The necessary tax shall be set aside at the time of creating such obligations so as to meet the debt provisions of the Constitution. Such voting machines shall be the property of the county paying for the same and when used in any election or primary election which the county is not charged by law with the holding of, such machines shall be leased to the authorities charged with holding such election or primary election, and payment shall be received by the county, at such lease price as the commissioners shall fix, but not to exceed ten per cent of the original cost of such voting machines as may be required to hold each election or primary election. Those charged with the holding of such election or primary election shall pay the lease price, whether it be a school board, a municipality, a political party or any other organization or authority.

Sec. 7. Absentee Voting. — In counties in which voting machines are used, a voting machine shall be placed in the county clerk's office and those entitled under the law shall cast their vote on such machine, under the laws now applicable to absentee voting, except that the ma-

chine shall be sealed at the close of the day's voting in the presence of authorized watchers of all persons interested, and such seal shall be broken in the presence of such authorized persons the following morning when voting shall begin. When absentee voting is legally concluded for that election or primary election, such voting machine shall be locked and sealed in the manner prescribed for other precincts, to be kept intact until election or primary election day, when, at 7 p. m. on such election or primary election day, the machine shall be opened and the vote canvassed by the county clerk, the county judge and county treasurer, in the presence of authorized watchers for all persons interested, and the result declared in the same manner as for other voting precincts.

Sec. 8. Form of Ballots on Voting Machines.—All ballots shall be printed in black ink on white, clear material, of such size as will fit the ballot frame, and in as plain, clear type as the space will reasonably permit. In general elections, the party name and a designating letter and number shall be affixed to the name of each candidate, and the name of all candidates of one political party shall be so arranged that a voter may be able to cast his ballot for such candidates as he may desire or to cast one ballot for all the candidates of that political party. In primary election, however, the ballot shall be so arranged and the levers so locked as to prevent the voting of straight tickets, and should there be so many candidates in a primary election as to exceed the capacity of one machine more than one such machine shall be provided for each voting precinct, but in all cases where more than one machine is used in a voting precinct, the names of all candidates for any particular office shall be placed on one machine. Where the lease price has been paid, however, for use of voting machine in a primary election, no charge shall be levied for a second or run-off primary.

Sec. 9. Sample Ballots.—The authorities charged with holding the election or primary election shall provide for each precinct two sample ballots and one model arranged in the form of a diagram showing

such part of the face of the voting machine as shall be in use in that election or primary election. Such sample ballots and model shall be on display in each precinct voting place throughout the time the polls are open and attention shall be especially called to them before each voter uses machine.

Sec. 10. Preparation of Voting Machines.—It shall be the duty of the county clerk of each county where voting machines are used, to cause the proper ballot labels to be placed on voting machines, to cause the machines to be placed in proper order for voting, to examine all voting machines in the presence of authorized watchers for any interested persons, before they are sent out to the polling places, to see that all the registering counters are set at zero (000), to lock, in the presence of authorized watchers, all voting machines so that the counting machinery cannot be operated and to seal each one with a numbered seal, a list of which numbered seals and the number on the protective counters, together with the number of the precinct to which it was sent, shall be kept as a permanent record open to any citizen, in the records of the county clerk. Such inspection and sealing of voting machines shall begin at 9 a. m. of the day before any election or primary election at which such machines are to be used, and continue until all such machines are sealed. When all machines are looked and sealed, the key to each machine shall be placed in an envelope and sealed, the signature of the county clerk and the signature of two watchers of opposed interest (if there be such) placed across the seal, and on the envelope shall be written the number then on the protective counter and the number on the seal of the voting machine, such envelope to be delivered to the presiding officer of each precinct.

It shall be the duty of the sheriff in an election which the county is charged with the expense of, the duty of the county chairman in the primary election, the duty of the mayor in a city election, the duty of the president of a school board in a school election and the duty of the authority holding such election or primary election of any character, to have delivered a voting machine or machines, to each and every poll-

ing place where same is required by law to be used, at least one hour before the time set for the opening of the polls in such voting precinct. After the machine has been delivered, the same authority shall cause such machine to be set up in the proper manner and cause protection to be given so such machine shall be free from molestation and injury. The same authority shall cause to be delivered with each such machine a lantern properly prepared to be lighted in emergency, so arranged that the light from such lantern will illuminate the face of the machine sufficiently that a voter may be able to read all the names on such machine, and suitable for officers in examining counters. The protective hood and screen of the machine shall be examined to see that they conceal the actions of the voter properly, while such voter is operating the machine. All poll lists and necessary supplies shall be delivered to the presiding officer at the same time the key or keys to the machine are delivered.

Sec. 11. Instructions of election officers.—Not less than three days before an election or primary election, the authority charged with holding the same, shall cause to be held a public school of instruction for those who will actually conduct the election or primary election at the polling places, such school to be open to any interested person and notice of such meeting being given to the public press at least 48 hours before same is to be held.

Sec. 12. Preliminaries of opening the polls.—The key or keys to the voting machine or machines shall be delivered to the presiding officer of each precinct at least thirty minutes before time for the opening of the polls, the seal of the envelope containing the same to be unbroken, and the seal shall be broken by the presiding officer only in the presence of at least two authorized watchers for opposing interests (if there be such), and shall only be broken after comparison shows that the number written on the envelope and the number shown on the protective counters are identical. If these numbers are found not to be the same the seal shall not be broken until the county clerk or his representative shall arrive and deliver the correct keys or until another

and properly sealed machine is delivered. If the numbers written on the envelope and the numbers on the seal of the machine are not identical then the envelope shall not be opened and the same procedure as above set out shall govern. But if the numbers written on the envelope and the respective numbers on the seal and on the protective counter are found to be the same, the presiding officer shall open the doors concealing the counters, and before the polls are declared open, the election officials and each authorized watcher for any person interested shall carefully examine each and every counter and see that it registers zero (000). All of those last enumerated then shall examine the ballots and satisfy themselves they are in their proper places on the machine. The election officials shall cause to be conspicuously placed the sample ballots and models for the guidance of the voters. All the persons authorized to be in the polls shall satisfy themselves that the voting machine is properly placed, being at least three feet from any wall or partition or any other obstruction and that the face of the machine is turned toward where the election officials and the public may obtain a clear and unobstructed view of the same at all times, except when the curtain on the machine is closed for the casting of the ballot. The election officials and at least two watchers of opposing interests (if there be such) shall then sign a certificate setting out that the keys were delivered intact, that the numbers on the protective counter and the seal correspond with that on the envelope, that all the counters were set at zero (000) and that the ballot labels were in their proper places. If any counter, however, shall be found not to register zero (000), the presiding officer shall write out a statement to that effect and keep the same prominently posted throughout the day showing the number that counter was found to register, and in filling out the statement of canvass, he shall subtract such number from the number found to register on that counter when the polls close. The machine shall then be opened for voting and the polls formally declared on.

Sec. 13. General provisions.—The presiding officer shall be in gen-

eral charge of the poll and shall see that the clerk of the election properly checks off the name of each voter from the poll list before such voter cast his ballot, that the poll tax certificate or exemption certificate of the voter is stamped voted with the date of the particular election or primary election with the rubber stamp provided under the law or writes "voted" with the date with pen and ink if no rubber stamp be provided, the third election official, besides the presiding officer and the clerk, shall be a mechanical expert and his duty shall be to see that the voting machine is not tampered with and shall attend the machine at all times. He shall inspect the ballot labels after each voter leaves the machine to see that none have been tampered with and to see that the machine has not been injured. He shall see that the coverings of the counter compartment of the machine are never unlocked or opened so the counters are exposed during voting except for good and sufficient reasons, a statement of which shall be made and signed by all authorized persons in the polls and attached to the returns.

Sec. 14. Instructions and assistance for voters in the polls.—In addition to the sample ballots and model hereinbefore mentioned, which shall be prominently displayed and the particular attention of each voter thereto called by the presiding officer, if any, after entering the machine, but before the curtains thereof are closed, shall desire further instructions, two watchers of opposing interests (if there be such) under the direction of the presiding officer shall give such instruction without asking, persuading or otherwise trying to induce such voter to vote for or against any ticket, candidate, amendment, question or proposition. Finishing instruction, the three shall retire, whereupon such voter shall close the curtain and vote as in the case of an unassisted voter.

Sec. 15. Manner of voting.—But one voter shall be admitted at a time and after ascertaining if such vote be on the poll list and the certificate marked voted such voter shall proceed to the machine, and no voter shall be permitted to keep the curtain of the machine closed longer than two (2) minutes.

Sec. 16. Voting for persons whose name does not appear on the ballot.—Ballots voted for any person whose name does not appear on the ballot shall be designated "irregular" ballots, but such ballots shall be valid and shall be counted as though they had been voted on the voting machine. Should a voter desire to vote for some person for an office whose name does not appear on the ballot, such person shall write the name of the person for whom he desires to vote on the roll of paper provided and designated for such purpose and such ballot shall be counted and included in the canvass officially made from that precinct, but no irregular ballot shall be cast or counted for any person whose name shall appear on the voting machine.

Sec. 17. Unofficial ballots, repair and substitution of machines.—Should the official ballots for any precinct where voting machines are to be used be not delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the county clerk or the presiding officer of that precinct shall cause other ballots to be prepared, printed or written, as nearly in the form of the official ballots as practicable, and shall cause the ballots so substituted to be used in the same manner, as near as may be, as the official ballots. Such ballots shall be known as unofficial ballots, and a certificate setting out the circumstances of the use shall be made out by the presiding officer and signed by such officer together with every person legally serving in such poll, such certificate to be attached to the canvass from that precinct. Should any voting machine become out of order while being used, it shall, if possible, be repaired or another machine substituted in its place as promptly as possible.

Sec. 18. Canvass of the vote and the proclamation of the result.—As soon as the polls are closed officials thereat shall immediately lock the machine against voting. They then shall sign a certificate stating that the machine was locked and sealed, giving the exact time; such certificate giving the number of voters shown on the public counters, which shall be the total number of votes cast on such machine in that precinct; the number on the

seal; the number registered on the protective counter. (This also shall be the procedure at the close of absentees voting). They then shall open the counting compartment in the presence of the watchers, and at least one representative of any newspaper or press association which cares to be represented, giving full view of all the counter numbers. The presiding officer shall under the scrutiny of the watchers, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the result on each constitutional amendment, bond proposition or any other question voted on. The vote as registered shall be entered on the statements of canvass in ink by two watchers of opposing interest (if there be such) and verified by the three election officials, such entries to be made in the same order on the space which has the same designating number and letter, after which the figures shall again be verified by being called off in the same manner from the counters of the machines by watchers of opposed interest (if such there be). The returns of the canvass as required by law shall then be filled out, verified, and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted, and shall be signed by the three election officials and at least two watchers of opposed interests (if such there be).

The counter compartments of the voting machine shall remain open throughout the time of the making of all statements and certificates and the official returns and until such have been fully verified, and during such time any candidate or his representative or any representative of any newspaper or press association shall be admitted. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the presiding officer, who shall read the names of each candidate, with the designating number and letter of his counter, and the vote registered

on such counter; also the vote cast for and against each proposition submitted. During such proclamation ample opportunity shall be given to any person lawfully entitled to be in the polls to compare the results announced with the counter dials of the machine and any necessary corrections shall then and there be made, after which the doors of the voting machine shall be locked and sealed with the seal provided, so sealing the operating lever of the machine that the voting and counting mechanism will be prevented from operation. Irregular ballots, properly sealed, and signed shall be filed with the original statement of canvass, which canvass shall be delivered in the same manner and to the same authorities as now provided by law. The presiding officer shall deliver to the county clerk the keys of the machine enclosed in a sealed envelope across the seal of which shall be written his own name together with that of at least two watchers of opposed interest (if such there be) or the two other election officials, and on this envelope shall be recorded the date of the election or primary election, the number of the precinct, the number of the seal with which the machine was sealed, the number of the public counter and the number of the protective counter.

**Sec. 19. Statements of Canvass.**—The authority charged with the holding of an election or primary election where voting machines shall be used, shall cause to be prepared a statement of canvass of a form to be approved by the Secretary of State, in the necessary number as now required by law, such statement of canvass to conform with the type of voting machine to be used, and the designating number and letter of each candidate (or proposition) shall be printed next to the candidate's name on the statement of canvass.

**Sec. 20. Preservation of Ballots and Records of Voting Machines.**—The voting machine shall remain locked against voting for a period of thirty days and then shall have the seal broken only on the order of a district judge having jurisdiction in that county, such order to be entered on the minutes of the district court of that county, and if in the opinion



of such district judge contest is likely to develop, shall remain locked for such time as the district judge may direct. Except, that on the order of any court of competent jurisdiction or on the order of any legislative body the seal may be broken for the purposes of proper investigation and when such investigation is completed the machine shall again be sealed and across the envelope containing the keys shall be written the signature of the person or persons having broken same. Irregular ballots shall be preserved in the same manner and for the same length of time as now provided by law for other ballots.

Sec. 21. Custody of Voting Machines and the Keys Thereof.—The county commissioners of a county in which voting machines are used shall have general custody and care and repair of such machines, but the county clerk is charged with the care and custody of the keys and seals for the same. The same authority that caused the delivery of the voting machines shall be charged with the transporting such machines back into the custody of the county commissioners and shall furnish all necessary protection to see that such machines are not molested nor injured from the time such machines leave the place where they are regularly stored until they are turned into the custody of the officials of a precinct and from the time that custody ceases on the part of the precinct officials and the machines are returned to the place of regular storage.

Sec. 22. Provisions of Recanvass of Vote.—The same authority as now charged by law may apply to a district judge for an order to break the seals of a voting machine for the purpose of recanvassing the vote should same become necessary, whereupon all the other articles in the Revised Civil Statutes of Texas, 1925, shall be followed in making such recanvass and the machines shall be re-sealed as herein provided. However, nothing herein or elsewhere contained shall authorize any change in the official returns of any canvass where at least two watchers of opposed interests have signed the same.

Sec. 23. Application of Other

Laws.—The provisions of all other laws relating to the conduct of elections or primary elections, shall, so far as practicable, apply to the conduct of elections and primary elections where voting machines are used, unless herein otherwise provided.

Sec. 24. Representation. — The authorities charged with holding an election or primary election are directed wherever possible, in the naming of election officers, to name for each precinct a presiding officer and a clerk for such precinct, of opposed interest in that election, or primary election the third official who should be a mechanical expert, being wherever possible non-partisan. But each political party concerned in an election is entitled to name one watcher for each voting precinct where voting machines are used, said watcher to be recognized by the presiding officer of that precinct upon the presentation of a certificate signed by the county chairman of that political party, and any candidate for a State office, the State Senate, any candidate for Representative in the House of the Legislature of Texas, or any candidate for district judge, or any one-fifth of the candidates for county offices, or any one-fifth of the candidates for precinct offices; or any candidate for mayor, or any candidate for city commissioner in municipalities, or any three candidates in a school election, or the proponents or the opponents of a bond issue, may name one watcher for each precinct in an election or primary election for each precinct where voting machines are used. Any candidate for the United States Senate or Representative in the House of the United States Congress may name one watcher for each election precinct where a voting machine is used. The candidate desiring representation by a watcher shall sign a certificate setting out the name of the person, the number of the precinct where such watcher is to serve, such certificate to bear the signature of the candidate or candidates entitled to representation, together with the signature of the bearer. The presiding officer of the election must require a counter signature and preserve the certificate of the bearer to make certain he is

the identical person referred to in the certificate, but cannot for any other reason refuse to permit such watcher to serve. For their services election officials and employees shall be paid a sum to be set by the authority charged with holding the election or primary election, but not less than the amount set now by law and not more than ten (\$10) dollars per day. Watchers, a necessary adjunct to an election with voting machines, may be paid by the interest they represent, but not to exceed (\$10) dollars per day.

Sec. 25. Definitions.—The list of candidates and offices used or to be used on the front of the voting machine shall be deemed official ballots for the purpose of precincts using machines.

The provisions of this Act shall apply only in counters in which said voting machine is adopted.

The word "ballot" as used herein (except when referring to irregular or unofficial ballots) means that portion of the cardboard or other material within the ballot frames containing the name of the candidate and the office or a statement of a constitutional amendment, bond issue or other proposition with the words "yes" or "no" for voting for or against.

The term "public counter" means a device in full view of the election officials while the voter is voting which records only the number of votes cast on the machine.

The term "protective counter" means a separate counter built into the machine which cannot be reset, and which records the total number of movements of the operating lever.

The term "watcher" is similar to supervisor in meaning, but an official of the election in this act.

Sec. 26. The fact that the use of voting machines as herein provided will contribute to the accomplishment of honesty, integrity and accuracy in the holding of elections and primary elections in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 11, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 59, A bill to be entitled "An Act to extend the term of office of elective county superintendents of public instruction to four years and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

By Neal, Thomason. S. B. No. 59.

#### A BILL

#### To Be Entitled

An Act to extend the term of office of elective county superintendents of public instruction to four years and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. In all counties in which the county superintendent of schools is chosen by popular election the term of office shall be four years.

Sec. 2. This Act shall take effect January 1, 1931.

Sec. 3. The importance of this legislation creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act be enforced and take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 12, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 81, A bill to be entitled "An Act to provide a period of time when continuity of failure to render land for taxes or otherwise exercise dominion over it shall prima facie prove title in persons paying taxes or exercising dominion over such land and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with

the attached committee amendment and be printed in the Journal.

WIRTZ, Chairman.

#### Committee Amendment.

Amend S. B. No. 81 by adding a new section after Section 1 to be known as Section 1a, and to read as follows:

"Section 1a. Nothing herein shall in anyway repeal, affect or limit any of the statutes of limitation now in force in the State of Texas."

By Hornsby, Hyer. S. B. No. 81.  
Patton, Woodward.

#### A BILL

##### To Be Entitled

An Act to provide a period of time when continuity of failure to render land for taxes or otherwise exercise dominion over it shall prima facie prove title in persons paying taxes or exercising dominion over such land and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all suits involving the title to land, if it be not shown that those holding the apparent record title thereto have rendered such land for taxes or otherwise exercised dominion over it for a period of fifty years or more and during such period other persons are shown to have openly asserted claim or exercised dominion over same or have paid taxes thereon, such facts shall constitute prima facie proof that the title thereto had passed to such persons.

Sec. 2. The fact that there is now no law prescribing a period of time when failure to exercise dominion over land will create prima facie proof that the title thereto had passed to those thereafter exercising dominion over the same and in many cases deeds have been lost and no proof can be made of the manner by which such title passed, because of the long lapse of time, creates an emergency and an imperative public necessity that the constitutional rule which requires that bills shall be read on three several days be suspended and the same is hereby suspended, and that this law take effect and be in force from and after its passage and it is so enacted.

#### NINETEENTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, Feb. 13, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Small.
Parr.	Wirtz.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

#### Petitions and Memorials.

(See appendix)

#### Committee Reports.

(See appendix)

#### Bills and Resolutions.

By Senator Holbrook:

S. B. No. 87, A bill to be entitled "An Act providing that it shall be lawful to use shrimp traws of certain specified size for the purpose of taking shrimp of any size for bait in any of the tidal waters of this State; providing that shrimp of any size may be taken with a minnow seine of not more than 20 feet in length or with a cast net; providing that no shrimp taken for bait may be sold for bait unless the person taking them has a fisherman's license."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 88, A bill to be entitled "An Act providing a daily bag limit and a possession limit on wild ducks